



STATE OF WASHINGTON  
**WASHINGTON STATE BOARD OF HEALTH**

*PO Box 47990 • Olympia, Washington 98504-7990*

June 14, 2006

**TO:** Washington State Board of Health Members

**FROM:** Ed Gray, MD, SBOH Member

**SUBJECT: PUBLIC HEARING ON PROPOSED HIV REPORTING RULES—  
CHAPTER 246-101 WAC**

**Background and Summary**

The State Board of Health has authority under RCW 70.24.125 to adopt rules for reporting sexually transmitted diseases and under RCW 43.20.050(2) to adopt rules for controlling all diseases. This authority is the basis for communicable disease reporting requirements contained in chapter 246-101 WAC. In 1999, the Board adopted rules to require reporting of asymptomatic cases of infection with the human immunodeficiency virus (HIV) in addition to cases of AIDS. Because of public concerns over data security, discrimination, and stigma, the Board required that the names of asymptomatic people infected with HIV be changed to code within 90 days of receipt of a complete case report.

The Ryan White CARE Act provides federal funding for state and local programs that serve people living with HIV and AIDS. Federal funding is allocated by the Health Resources and Services Administration (HRSA) based on the number of cases in each state. The states provide surveillance data to the Centers for Disease Control and Prevention (CDC), which then provides data to HRSA. Beginning in Federal Fiscal Year 2007, to get full federal funding, the states must maintain the names of asymptomatic cases of HIV infection that are reported to CDC; although, the states will not report the names to CDC.

The Board adopted an emergency rule on March 8, 2006 to allow the Department of Health (DOH) to maintain records of names of HIV-infected cases and to re-determine the names previously converted to code. DOH is proposing the Board adopt a permanent rule revision to require DOH to maintain the names of asymptomatic HIV-infected persons; allow local health jurisdictions also to keep records of names of HIV-infected persons; require local health jurisdictions to assist DOH efforts to re-determine the names converted to code in past years; require laboratories to report certain HIV-related test results to DOH; require extra security for such data; require the state health officer to review the security of that data biennially; and require DOH to report to the Board on issues related to HIV case reporting and testing by

December 2007. DOH staff gave a full briefing to the Board about this proposal on May 10, 2006 in Kennewick. If the Board adopts this rule today, Board and DOH staffs recommend an effective date of September 1, 2006.

John Peppert, Director of the Office of Infectious Disease and Reproductive Health (IDRH), is here to report on public comments received on the published rule and answer questions from Board members on this proposal. Maria Courogen, manager and lead epidemiologist of the IDRH Assessment Unit, and Frank Westrum, chief information officer for DOH, are also available today to answer questions on this proposed rule. Material behind Tab 9 in members' packets includes a CR-102, rule language, significant analysis, and a summary of comments received on this rule proposal. The provisions of local health jurisdiction retention of records by name and security of that data were of particular concern to many of those who commented.

### **Board Action Recommended**

Depending on testimony offered and the Board's own discussions, the Board may choose to consider, amend if necessary, or adopt the following motion:

***Motion: The Board adopts amended sections WAC 246-101-201, WAC 246-101-520, and WAC 246-101-635 as published in WSR 06-10-081.***